
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

BRIAN SCOTT REID, SR.,

Plaintiff,

v.

WEST VALLEY POLICE DEPARTMENT,
et al.,

Defendants.

**ORDER ADOPTING [46] REPORT AND
RECOMMENDATION GRANTING [36]
MOTION TO DISMISS, GRANTING [37]
MOTION TO DISMISS, AND
DISMISSING THE ACTION WITHOUT
PREJUDICE**

Case No. 2:21-cv-00576-DBB-CMR

District Judge David Barlow

The Report and Recommendation¹ issued by United States Magistrate Judge Cecilia M. Romero on December 12, 2024, recommends that the court dismiss Plaintiff Brian Scott Reid, Sr.’s (“Mr. Reid”) action.² The magistrate judge reasoned dismissal was proper because Mr. Reid “failed to allege facts sufficient to establish the elements necessary to succeed” on his malicious prosecution claim.³ The magistrate judge also found that Mr. Reid’s claims are time-barred.⁴ The magistrate judge advised Mr. Reid of his right to object to the Report and Recommendation within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).⁵ Mr. Reid did not file an objection.⁶ Because he filed no written objection by the specified deadline, the court reviews the Report and Recommendation for clear

¹ Report and Recommendation Granting Motion to Dismiss, and Granting Motion to Dismiss, [ECF No. 46](#), filed Dec. 12, 2024.

² *Id.* at 11.

³ *Id.* at 4.

⁴ *Id.* at 11–12.

⁵ *Id.* at 10.

⁶ *See* Docket.

error.⁷ Having done so, the court finds that the magistrate judge's analysis and conclusions are sound and no clear error appears on the face of the record.

Accordingly, **IT IS HEREBY ORDERED** that the Report and Recommendation⁸ is ADOPTED. The court DISMISSES Plaintiff's action without prejudice.

Signed January 3, 2025.

BY THE COURT

A handwritten signature in blue ink, appearing to read 'David Barlow', is written over a horizontal line.

David Barlow
United States District Judge

⁷ *Johnson v. Progressive Leasing*, No. 222CV00052RJSCMR, [2023 WL 4044514](#), at *2 (D. Utah June 16, 2023), *appeal dismissed*, No. 23-4090, 2023 WL 9062281 (10th Cir. July 26, 2023) (“This court generally reviews unobjected-to portions of a report and recommendation for clear error.”); *United States v. One Parcel of Real Prop.*, [73 F.3d 1057, 1060](#) (10th Cir. 1996) (“[W]e hold that a party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.”); [Fed. R. Civ. P. 72\(b\)\(2\)](#).

⁸ ECF No. 46.